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10/724,578	11/28/2003	Manabu Shibutani	088485-0238	8607

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LOS ANGELES, CA 90067

EXAMINER	
DANG, HUNG Q	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/724,578	SHIBUTANI, MANABU	
	Examiner	Art Unit	
	HUNG Q. DANG	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/28/2003, 02/17/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 26 is objected to because of the following informalities: Claim 26 recites, "the video object unit data", which has not recited before in context. Appropriate correction is required. To expedite the prosecution, it is understood as dependent from claim 25.

Claim 27 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-11 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuda et al. (US Patent 6,856,759).

Regarding claim 10, Fukuda et al. disclose a video data conversion method, comprising: (Fig. 7; column 15, lines 35-63), comprising: converting first digital video data that complies with MPEG (column 3, lines 55-57; column 16, lines 9-15) and

includes first aspect data with a first aspect ration and second aspect data with a second aspect ratio, different from the first aspect ratio (column 26, lines 7-16, 25-27, 43-48; column 27, lines 21-24), into second digital video data having only the first aspect ratio by changing the second aspect data with the second aspect ratio into the first aspect data with the first aspect ratio without first converting the first digital video data into analog data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19).

Regarding claim 11, see the teachings of Fukuda et al. and Kato et al. as discussed in claim 10 above. However, the proposed combination of Fukuda et al. and Kato et al. does not disclose the first digital video data complies with a DVD-VR standard and the second digital video data complies with the DVD-VR standard.

DVD-VR standard is very well known in the art. Thus, Official Notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the DVD-VR standard into the apparatus disclosed by Fukuda et al. and Kato et al. in order to make the apparatus compatible with existing recording standards.

Regarding claim 19, Fukuda et al. also disclose receiving a designation of a desired aspect ratio, wherein the desired aspect ratio corresponds to the first aspect ratio (column 26, lines 43-46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 20-21, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (US Patent 6,856,759) and Kato et al. (US Patent 6,016,362).

Regarding claim 1, Fukuda et al. disclose a video data conversion apparatus (Fig. 7; column 15, lines 35-63), comprising: a conversion unit configured to convert first digital video data that complies with MPEG (column 3, lines 55-57; column 16, lines 9-15) and includes first aspect data with a first aspect ration and second aspect data with a second aspect ratio, different from the first aspect ratio (column 26, lines 7-16, 25-27, 43-48; column 27, lines 21-24), into second digital video data having only the first aspect ratio by changing the second aspect data with the second aspect ratio into the first aspect data with the first aspect ratio without first converting the first digital video data into analog data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19). However, Fukuda et al. do not disclose an output unit configured to output the second digital video data converted by the conversion unit.

Kato et al. disclose an output unit configured to output a digital video data (Fig. 1).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the output unit disclosed by Kato et al. into the apparatus disclosed by Fukuda et al. in order to allow users to view the contents that are to be recorded. So doing would enhance the interface of the apparatus.

Regarding claim 2, see the teachings of Fukuda et al. and Kato et al. as discussed in claim 1 above. However, the proposed combination of Fukuda et al. and Kato et al. does not disclose the first digital video data complies with a DVD-VR standard and the second digital video data complies with the DVD-VR standard.

DVD-VR standard is very well known in the art. Thus, Official Notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the DVD-VR standard into the apparatus disclosed by Fukuda et al. and Kato et al. in order to make the apparatus compatible with existing recording standards.

Claim 20 is rejected for the same reason as discussed in claim 1 above.

Claim 21 is rejected for the same reason as discussed in claim 2 above.

Claim 28 is rejected for the same reason as discussed in claim 1 above.

Claim 29 is rejected for the same reason as discussed in claim 2 above.

Claims 3-5, 22-23, and 30-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (US Patent 6,856,759) and Kato et al. (US Patent 6,016,362) as applied to claims 1-2, 10-11, 19-21, and 28-29 above, and further in view of Hisatomi et al. (US 2002/0159766).

Regarding claim 3, see the teachings of Fukuda et al. and Kato et al. as discussed in claim 2 above. Further, Fukuda et al. also disclose the first digital video data (column 1, line 66 – column 2, line 5; column 3, lines 55-57; column 16, lines 9-15) and the second digital video data (column 15, lines 55-63) each contain video object data obtained by encoding video and audio data (column 1, line 66 – column 2, line 5;

column 15, lines 55-63), and management data, corresponding to the video object data, which is used to manage the video object data (column 4, lines 34-53; Fig. 18; Fig. 19), wherein the video object data contains a plurality of video object unit data (Fig. 22), and wherein the conversion unit converts a first group of video object unit data having the second aspect data into a second group of video object unit data having the first aspect data by rewriting the second aspect data as said first aspect data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19).

However, the proposed combination of Fukuda et al. and Kato et al. does not disclose each video object unit data contains sequence header data, wherein the sequence header data contains said first and second aspect data that designates said first and second aspect ratios respectively.

Hisatomi et al. disclose each video object unit data contains sequence header data, wherein the sequence header data contains aspect data that designates the aspect ratio (column 1, lines 57-64).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the sequence header disclosed by Hisatomi et al. into the apparatus disclosed by Fukuda et al. and Kato et al. to make the audio video data stream compatible with MPEG standards.

Regarding claim 4, Fukuda et al. also disclose each second aspect data of the second digital video data is the same (column 7, lines 41-50; column 27, lines 20-24; Fig. 19).

Regarding claim 5, Fukuda et al., in combination of Hisatomi et al., also disclose the video object unit data contains sequence display extension data (column 16, lines 9-14), the sequence display extension data contains display horizontal size data and display vertical size data (column 16, lines 9-14), and the conversion unit converts the first group of video object unit data having the second aspect data into the second group of video object unit data having the first aspect data by rewriting the display horizontal size data and the display vertical size data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19; column 17, lines 19-26).

Claim 22 is rejected for the same reason as discussed in claim 3 above.

Claim 23 is rejected for the same reason as discussed in claim 5 above.

Claim 30 is rejected for the same reason as discussed in claim 3 above.

Claim 31 is rejected for the same reason as discussed in claim 5 above.

Claims 6, 24, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (US Patent 6,856,759) and Kato et al. (US Patent 6,016,362) as applied to claims 1-2, 10-11, 19-21, and 28-29 above, and further in view of Winter et al. (EP 1 195 767 A1).

Regarding claim 6, see the teachings of Fukuda et al. and Kato et al. as discussed in claim 1 above. However, the proposed combination of Fukuda et al. and Kato et al. does not disclose the conversion unit converts the second digital video data having the first aspect data into third digital video data complying with a DVD-Video standard.

Winter et al. disclose the conversion unit converts a stream of digital video data into another stream of digital video data complying with a DVD-Video standard ([0005]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the conversion unit disclosed by Winter et al. into the apparatus disclosed by Fukuda et al. and Kato et al. in order to make the apparatus compatible with existing standard.

Claim 24 is rejected for the same reason as discussed in claim 6 above.

Claim 27 is rejected for the same reason as discussed in claim 6 above.

Claim 33 is rejected for the same reason as discussed in claim 6 above.

Claims 7-9 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (US Patent 6,856,759), Kato et al. (US Patent 6,016,362), and Winter et al. (EP 1 195 767 A1) as applied to claims 1-2, 6, 10-11, 19-21, 24, 27-29, and 33 above, and further in view of Hisatomi et al. (US 2002/0159766).

Regarding claim 7, see the teachings of Fukuda et al., Kato et al., and Winter et al. as discussed in claim 6 above. Further, Fukuda et al. also disclose the first digital video data (column 1, line 66 – column 2, line 5; column 3, lines 55-57; column 16, lines 9-15) and the second digital video data (column 15, lines 55-63) each contain video object data obtained by encoding video and audio data (column 1, line 66 – column 2, line 5; column 15, lines 55-63), and management data, corresponding to the video object data, which is used to manage the video object data (column 4, lines 34-53; Fig. 18; Fig. 19), wherein the video object data contains a plurality of video object unit data

(Fig. 22), and wherein the conversion unit converts a first group of video object unit data having the second aspect data into a second group of video object unit data having the first aspect data by rewriting the second aspect data as said first aspect data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19).

However, the proposed combination of Fukuda et al., Kato et al., and Winter et al. does not disclose each video object unit data contains sequence header data, wherein the sequence header data contains said first and second aspect data that designates said first and second aspect ratios respectively.

Hisatomi et al. disclose each video object unit data contains sequence header data, wherein the sequence header data contains aspect data that designates the aspect ratio (column 1, lines 57-64).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the sequence header disclosed by Hisatomi et al. into the apparatus disclosed by Fukuda et al., Kato et al., and Winter et al. to make the audio video data stream compatible with MPEG standards.

Claim 8 is rejected for the same reason as discussed in claim 4 above.

Claim 9 is rejected for the same reason as discussed in claim 5 above.

Claim 25 is rejected for the same reason as discussed in claim 7 above.

Claim 26 is rejected for the same reason as discussed in claim 5 above.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (US Patent 6,856,759) as applied to claims 10-11 and 19 above, and further in view of Hisatomi et al. (US 2002/0159766).

Regarding claim 12, see the teachings of Fukuda et al. and Kato et al. as discussed in claim 11 above. Further, Fukuda et al. also disclose the first digital video data (column 1, line 66 – column 2, line 5; column 3, lines 55-57; column 16, lines 9-15) and the second digital video data (column 15, lines 55-63) each contain video object data obtained by encoding video and audio data (column 1, line 66 – column 2, line 5; column 15, lines 55-63), and management data, corresponding to the video object data, which is used to manage the video object data (column 4, lines 34-53; Fig. 18; Fig. 19), wherein the video object data contains a plurality of video object unit data (Fig. 22), and wherein the conversion unit converts a first group of video object unit data having the second aspect data into a second group of video object unit data having the first aspect data by rewriting the second aspect data as said first aspect data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19).

However, Fukuda et al. do not disclose each video object unit data contains sequence header data, wherein the sequence header data contains said first and second aspect data that designates said first and second aspect ratios respectively.

Hisatomi et al. disclose each video object unit data contains sequence header data, wherein the sequence header data contains aspect data that designates the aspect ratio (column 1, lines 57-64).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the sequence header disclosed by Hisatomi et al. into the method disclosed by Fukuda et al. to make the audio video data stream compatible with MPEG standards.

Regarding claim 13, Fukuda et al. also disclose each second aspect data of the second digital video data is the same (column 7, lines 41-50; column 27, lines 20-24; Fig. 19).

Regarding claim 14, Fukuda et al., in combination of Hisatomi et al., also disclose the video object unit data contains sequence display extension data (column 16, lines 9-14), the sequence display extension data contains display horizontal size data and display vertical size data (column 16, lines 9-14), and the conversion unit converts the first group of video object unit data having the second aspect data into the second group of video object unit data having the first aspect data by rewriting the display horizontal size data and the display vertical size data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19; column 17, lines 19-26).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (US Patent 6,856,759) as applied to claims 10-11 and 19 above, and further in view of Winter et al. (EP 1 195 767 A1).

Regarding claim 15, see the teachings of Fukuda et al. as discussed in claim 10 above. However, Fukuda et al. do not disclose the step of converting the second digital video data having the first aspect data into third digital video data complying with a DVD-Video standard.

Winter et al. disclose a step of converting a stream of digital video data into another stream of digital video data complying with a DVD-Video standard ([0005]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the converting step disclosed by Winter et al. into the

method disclosed by Fukuda et al. in order to make the method compatible with existing standard.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (US Patent 6,856,759) and Winter et al. (EP 1 195 767 A1) as applied to claims 10-11, 15, and 19 above, and further in view of Hisatomi et al. (US 2002/0159766).

Regarding claim 16, see the teachings of Fukuda et al. and Winter et al. as discussed in claim 15 above. Further, Fukuda et al. also disclose the first digital video data (column 1, line 66 – column 2, line 5; column 3, lines 55-57; column 16, lines 9-15) and the second digital video data (column 15, lines 55-63) each contain video object data obtained by encoding video and audio data (column 1, line 66 – column 2, line 5; column 15, lines 55-63), and management data, corresponding to the video object data, which is used to manage the video object data (column 4, lines 34-53; Fig. 18; Fig. 19), wherein the video object data contains a plurality of video object unit data (Fig. 22), and wherein the conversion unit converts a first group of video object unit data having the second aspect data into a second group of video object unit data having the first aspect data by rewriting the second aspect data as said first aspect data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19).

However, the proposed combination of Fukuda et al. and Winter et al. does not disclose each video object unit data contains sequence header data, wherein the sequence header data contains said first and second aspect data that designates said first and second aspect ratios respectively.

Hisatomi et al. disclose each video object unit data contains sequence header data, wherein the sequence header data contains aspect data that designates the aspect ratio (column 1, lines 57-64).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the sequence header disclosed by Hisatomi et al. into the method disclosed by Fukuda et al. and Winter et al. to make the audio video data stream compatible with MPEG standards.

Regarding claim 17, Fukuda et al. also disclose each second aspect data of the second digital video data is the same (column 7, lines 41-50; column 27, lines 20-24; Fig. 19).

Regarding claim 18, Fukuda et al., in combination of Hisatomi et al., also disclose the video object unit data contains sequence display extension data (column 16, lines 9-14), the sequence display extension data contains display horizontal size data and display vertical size data (column 16, lines 9-14), and the conversion unit converts the first group of video object unit data having the second aspect data into the second group of video object unit data having the first aspect data by rewriting the display horizontal size data and the display vertical size data (column 7, lines 41-50; column 27, lines 20-24; Fig. 19; column 17, lines 19-26).

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (US Patent 6,856,759), Kato et al. (US Patent 6,016,362), and Hisatomi et al. (US 2002/0159766) as applied to claims 1-5, 12-14, 20-23, and 28-31, and further in view of Winter et al. (EP 1 195 767 A1).

Regarding claim 32, see the teachings of Fukuda et al., Kato et al., and Hisatomi et al. as discussed in claim 31 above. However, the proposed combination of Fukuda et al., Kato et al., and Hisatomi et al. does not disclose subsequent to converting said first digital video data into said second digital video data, the method further comprises the step of converting the second digital video data having the single aspect data into third digital video data complying with a DVD-Video standard.

Winter et al. disclose the step of converting a stream of digital video data into another stream of digital video data complying with a DVD-Video standard ([0005]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the conversion unit disclosed by Winter et al. into the apparatus disclosed by Fukuda et al., Kato et al., and Hisatomi et al. in order to make the apparatus compatible with existing standard.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. DANG whose telephone number is (571)270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621